

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LAURA YOUNG, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

SUBARU CORPORATION, SUBARU OF
AMERICA, INC., TOYOTA MOTOR
CORPORATION, and TOYOTA MOTOR
NORTH AMERICA, INC.,

Defendants.

Case No. 1:24-cv-07438-CPO-MJS

Motion Date: December 2, 2024

ELECTRONICALLY FILED

**ORAL ARGUMENT
REQUESTED**

**DEFENDANT SUBARU OF AMERICA, INC.’S NOTICE OF
MOTION TO DISMISS THE CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that in accordance with Local Rule 7.1, Defendant Subaru of America, Inc. (“SOA”) shall move before the Hon. Christine P. O’Hearn, U.S.D.J., at the United States District Court, District of New Jersey, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Courtroom 5A, Camden, NJ 08101, on December 2, 2024 or such other date as the Court shall schedule, for an Order pursuant to Rule 12(b)(6), 9(b), and 12(b)(1), dismissing Plaintiff’s Class Action Complaint in its entirety for failure to state a claim upon which relief can be granted, and for lack of subject matter jurisdiction as to Plaintiff’s Magnuson-Moss Warranty Act claims and lack of Article III standing as to Plaintiff’s injunctive relief and nationwide class claims.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Defendant SOA shall rely upon the Class Action Complaint, the accompanying Memorandum of Law, the accompanying declaration of John Gray and accompanying exhibit, other documents filed in the case, any materials of which the Court may take judicial notice, and upon such other matters as may be presented to the Court at the time of the hearing. A proposed form of Order is also submitted.

PLEASE TAKE FURTHER NOTICE that, in accordance with Local Rule 7.1(d), Plaintiffs' opposition to this motion shall be filed no later than November 18, 2024, and SOA shall file any reply by November 25, 2024.

November 1, 2024

SHOOK, HARDY & BACON L.L.P.

By: /s/ Homer B. Ramsey

Homer B. Ramsey

hramsey@shb.com

Michael B. Gallub (*Pro Hac Vice*)

mgallub@shb.com

Daniel W. Robertson (*Pro Hac Vice*)

drobertson@shb.com

101 Hudson Street, 21st Floor

Jersey City, NJ 07302

Tel: (201) 660-9995

Attorneys for Defendant Subaru of America, Inc.